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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEAN MARC VAN DEN HEUVEL,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 2:14-cv-1555-TLN-EFB

**DEFENDANT UNITED STATES' EX
PARTE APPLICATION FOR
EXTENSION OF COMPLAINT-
RESPONSE DEADLINE**

Defendant the United States respectfully requests an order extending its time to respond to pro se plaintiff Jean Marc Van Den Heuvel's complaint. The United States asks that the Court extend the deadline for 45 days, from July 7, 2014, to **August 21, 2014**. No prior extensions have been sought.

On February 10, 2014, plaintiff filed this action in El Dorado County Superior Court, Small Claims Division, against Shingle Springs Tribal Wellness Center. *See* Boesch Decl. Ex. A. Defense counsel received plaintiff's complaint on Friday June 27, 2014, when she returned from two weeks' vacation. *Id.* ¶ 4. On Monday June 30, 2014, the United States removed the action to this Court. *Id.* ¶ 5; Dkt. 1.

Following removal, Federal Rule of Civil Procedure 81(c) renders the United States' responsive pleading due within seven days, by July 7, 2014. Defense counsel has requested that the

1 United States Department of Health and Human Services provide a litigation report by August 4,
2 2014, to aid defense counsel in generating an appropriate responsive pleading. Boesch Decl. ¶ 6.
3 Given this, the United States seeks an extension of the complaint-response deadline because it is
4 difficult to respond sufficiently to plaintiff's complaint within Rule 81(c)'s short time frame. *Id.*
5 Indeed, Federal Rule of Civil Procedure 12(a)(2) generally affords federal defendants 60 days to
6 respond to a complaint after service of process on the United States Attorney. Accordingly, the
7 United States asks the Court to extend the complaint-response deadline by 45 days until August 21,
8 2014.

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10 Respectfully submitted,

11 DATED: July 1, 2014


BENJAMIN B. WAGNER
United States Attorney

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13 By: /s/ Victoria L. Boesch
14 VICTORIA L. BOESCH
Assistant United States Attorney

15
16 **ORDER**

17 IT IS SO ORDERED.

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19 Dated: July 3, 2014.

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EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE